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Intellectual Property Causes
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Attorney Docket No. P24593

Mail Stop Amendment

In re application of : Toshio KASAI et al.

Application No : 10/776,179

Group Art Unit: 2872

Filed : February 12, 2004

Examiner : P.V. KHATRI

For : **LASER SCANNING DEVICE**

Mail Stop Amendment

Commissioner for Patents

U.S. Patent and Trademark Office

Customer Service Window, Mail Stop Amendment

Randolph Building

401 Dulany Street

Alexandria, VA 22314

Sir:

Transmitted herewith is a **Response to Election Requirement with traverse** in the above-captioned application.

☐ Small Entity Status of this application under 37 C.F.R. 1.9 and 1.27 has been established by a previously filed statement.

☐ A verified statement to establish small entity status under 37 C.F.R. 1.9 and 1.27 is enclosed.

☐ An Information Disclosure Statement, PTO Form 1449, and references cited.

☐ No additional fee is required.

The fee has been calculated as shown below:

Claims After Amendment	No. Claims Previously Paid For	Present Extra	Small Entity		Other Than A Small Entity	
			Rate	Fee	Rate	Fee
Total Claims: 17	*20	0	X25=	\$	x 50=	\$0.00
Indep. Claims: 1	**3	0	X100=	\$	X200=	\$0.00
Multiple Dependent Claims Presented			+180=	\$	+360=	\$0.00
Extension Fees for ____ Month(s)				\$		\$0.00
Total:				\$	Total:	\$0.00

☐ Please charge my Deposit Account No. 19-0089 in the amount of \$ ____.

☐ N/A A Check in the amount of \$ ____ to cover the filing/extension fee(s) is included.

☒ The U.S. Patent and Trademark Office is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 19-0089.

☒ Any additional filing fees required under 37 C.F.R. 1.16.

☒ Any patent application processing fees under 37 C.F.R. 1.17, including any required extension of time fees in any concurrent or future reply requiring a petition for extension of time for its timely submission (37 CFR 1.136)(a)(3).

William E. Lyddane
 Bruce H. Bernstein
 Reg. No. 29,027
 William E. Lyddane
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Toshio KASAI et al. **Confirmation No. : 3087**
Appl. No. : 10/776,179 Group Art Unit : 2872
Filed : February 12, 2004 Examiner : P. V. KHATRI
For : LASER SCANNING DEVICE

RESPONSE TO ELECTION REQUIREMENT WITH TRAVERSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the outstanding Election Requirement mailed July 7, 2005, setting a one month period for response to extend until August 8, 2005 (August 7, 2005 being a Sunday), Applicants elect Species (3), the embodiment shown in Figs. 4A and 4B, with traverse for the reasons expressed below. Claims 1-9, 16 and 17 are considered to be readable on elected Species (3), and at least claims 1, 16 and 17 are considered to be generic by the Applicant.

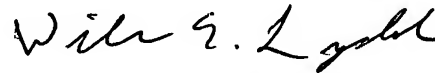
Applicants respectfully traverse the Election Requirement because it would appear that the search for the species identified by the Examiner would be coextensive or at least significantly overlap, and therefore there would be no serious burden if each of the identified species were examined. That is, if the Examiner were to perform a search for the embodiment of Species (3), there would not appear to be a serious burden in continuing the examination of the other embodiments and/or species.

Accordingly, because the search of all of the species would be coextensive, it would not be a *serious* burden on the Examiner to examine all of the claims pending in this application. For this reason, and consistent with M.P.E.P. § 803, Applicants respectfully request that the Examiner reconsider and withdraw the outstanding Election Requirement.

For the foregoing reasons, it is submitted that the Election Requirement in this application is improper and it is respectfully requested that it be reconsidered and withdrawn.

Should the Examiner have any questions, the Examiner is respectfully invited to contact the undersigned at the below-listed telephone number.

Respectfully Submitted,
Toshio KASAI et al.



Bruce H. Bernstein
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William E. Lyddane
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August 8, 2005
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